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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/549,875 | 09/16/2005 | Toshiya Noritake | OKUDP0133US | 5893 |
| 51921 7590 06/08/2009 MARK D. SARALINO (PAN) RENNER, OTTO, BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE 19TH FLOOR CLEVELAND, OH 44115 | | | | |
| EXAMINER | | | | |
| DAZENSKI, MARC A | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2621 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 06/08/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,875

Applicant(s)

NORITAKE, TOSHIYA

Examiner

MARC DAZENSKI

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 3-11 and 13-20 is/are rejected.
7) ☒ Claim(s) 2, 12 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 16 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/003)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8-9, 11, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent 7,424,203), hereinafter referred to as Suzuki, in view of Morinaga et al (US Patent 7,359,620), hereinafter referred to as Morinaga.

Regarding **claim 1**, Suzuki discloses a data reproduction transmission apparatus and data reproduction transmission method. Further, Suzuki discloses special reproduction transmission apparatus (400), which reads out an intra-picture bit stream from video audio information medium (50), and then supplies multiplexed coded data to digital television (7) which is provided with an MPEG-2 decoder or the like, which reads on the claimed, "a data processor for receiving a data stream, including a plurality of packets, and playing back a content concurrently based on content data stored in the packets, each said packet having an identifier, the content data including a

first code, which specifies a data location of a first portion of the content, and a second code, which specifies a data location of a second portion thereof," as disclosed at column 14, lines 35-40; column 15, lines 20-21; column 5, lines 45-46; and exhibited in figure 9; the apparatus comprising:

selector (49) which selects the multiplexed coded data during the normal reproduction, and during special reproduction selects the output of the B and P stream output unit (52), which reads on the claimed, "a switch, which receives the playback stream and which selectively passes the content data representing the first portion of the content in accordance with the first and second detection signals," as disclosed at column 15, lines 4-11; and

the output of the selector (49) is connected to the MPEG-TS multiplexing unit (48) which then outputs multiplexed coded data Dout to digital television (7) which is provided with an MPEG-2 decoder (11), which reads on the claimed, "and a decoding section for playing back the first portion of the content based on the output of the switch," as disclosed at column 15, lines 15-22.

However, Suzuki fails to disclose a dummy packet processing section, which makes a plurality of dummy packets, each having a dummy identifier that is different from any of the identifiers of the packets, and which generates a playback stream, including the dummy packets at predetermined intervals, based on the data stream received; a detecting section for detecting any of the dummy identifiers by scanning the identifiers of the respective packets of the playback stream and then outputting a first detection signal upon detecting the first code and a second detection signal upon

detecting the second code, respectively. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Morinaga.

In a similar field of endeavor, Morinaga discloses information transmitting method, information processing method and apparatus, and information recording and reproducing method and apparatus. Further, Morinaga discloses inserting start marker and end marker packets which are sent just before and just after the start of the I-picture, as well as a unique PID is written into each marker packet so that the I-picture can be identified, and further identifying start and end markers during reproduction, which reads on the claimed, "a dummy packet processing section, which makes a plurality of dummy packets, each having a dummy identifier that is different from any of the identifiers of the packets, and which generates a playback stream, including the dummy packets at predetermined intervals, based on the data stream received; a detecting section for detecting any of the dummy identifiers by scanning the identifiers of the respective packets of the playback stream and then outputting a first detection signal upon detecting the first code and a second detection signal upon detecting the second code, respectively," as disclosed at column 4, line 65 through column 5, line 4; column 7, lines 21-34; column 9, lines 26-32; and exhibited in figures 2, 4, and 9.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the data reproduction transmission apparatus of Suzuki to include inserting start marker and end marker packets which are sent just before and just after the start of the I-picture, as well as a unique PID is written into each marker packet so that the I-picture can be identified, and further identifying start

and end markers during reproduction, as taught by Morinaga, for the purpose of generating a data stream suitable for trick-mode playback.

Regarding **claim 8**, the combination of Suzuki and Morinaga discloses everything claimed as applied above (see claim 1). Further, Suzuki discloses supplying multiplexed coded data D_{out} to digital television (7) which is provided with an MPEG-2 decoder or the like, which reads on the claimed, "wherein the data stream includes compressed content data, and wherein the decoding section plays back the first portion of the content by decoding the content data," as disclosed at column 15, lines 20-21 and column 5, lines 45-46.

Regarding **claim 9**, the combination of Suzuki and Morinaga discloses everything claimed as applied above (see claim 8). Further, Suzuki discloses video and audio information coded according to a predetermined information processing rule such as MPEG, which reads on the claimed, "wherein the content is related to video to be presented by switching a plurality of pictures one after another, the content data having been compressed by a bidirectional predictive coding method and wherein the detecting section detects a picture header code of an I-picture as the first code and a picture header code of the next picture, following the I-picture, as the second code, respectively," as disclosed at column 4, lines 55-62 (wherein discerning between I-frames and non-I-frames using header codes is inherent to MPEG video).

Regarding **claim 11**, the examiner maintains the claim is the corresponding method to the apparatus of claim 1, and is therefore rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 18**, the limitations of the claim are rejected in view of the explanation set forth in claim 8 above.

Regarding **claim 19**, the limitations of the claim are rejected in view of the explanation set forth in claim 9 above.

Claims 4-7 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent 7,424,203), hereinafter referred to as Suzuki, in view of Morinaga et al (US Patent 7,359,620), hereinafter referred to as Morinaga, further in view of Saejis (US Patent 7,376,151), hereinafter referred to as Saejis.

Regarding **claim 4**, the combination of Suzuki and Morinaga discloses everything claimed as applied above (see claim 1). However, the combination of Suzuki and Morinaga fails to disclose further comprising an extracting section for continuously extracting, as a plurality of partial streams, a number of portions of at least one data stream from a storage medium on which the data stream is stored, wherein the dummy packet processing section inserts the dummy packet with the dummy identifier into each data location at which two of the partial streams are connected together. The examiner maintains it was well known to include the missing limitations, as taught by Saejis.

In a similar field of endeavor, Saejis discloses recording and producing an MPEG information signal on/from a record carrier. Further, Saejis discloses selecting only those packets of the packets P_k in the serial data stream that include information relating to one video program that will be selected, and then inserting dummy packets into the serial data stream via combining unit (96), which reads on the claimed, "further comprising an extracting section for continuously extracting, as a plurality of partial

streams, a number of portions of at least one data stream from a storage medium on which the data stream is stored, wherein the dummy packet processing section inserts the dummy packet with the dummy identifier into each data location at which two of the partial streams are connected together," as disclosed at column 15, lines 53-63; column 16, lines 12-25, and lines 43-45; and exhibited in figures 8a, 8b, and 8c.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Suzuki and Morinaga to include selecting only those packets of the packets Pk in the serial data stream that include information relating to one video program that will be selected, and then inserting dummy packets into the serial data stream via combining unit (96), as taught by Saeijs, for the purpose of allowing the data stream to be applied to a standard MPEG decoder.

Regarding **claim 5**, the combination discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 4 above.

Regarding **claim 6**, the combination discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 4 above.

Regarding **claim 7**, the combination discloses everything claimed as applied above (see claim 6). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 4 above.

Regarding **claims 14-17**, the examiner maintains that the claims are the corresponding method claims to the apparatus of claims 1 and 4-7, and therefore the limitations of the claim are rejected in view of the explanation set forth in claims 1 and 4-7 above.

Claims 3, 10, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent 7,424,203), hereinafter referred to as Suzuki, in view of Morinaga (US Patent 7,359,620), hereinafter referred to as Morinaga, further in view of Abelard et al (US Patent 6,823,131), hereinafter referred to as Abelard.

Regarding **claim 3**, the combination of Suzuki and Morinaga discloses everything claimed as applied above (see claim 1). However, the combination fails to disclose wherein after having detected the second code, the detecting section detects the next dummy identifier by scanning the identifiers of the respective packets. The examiner maintains that it was well known to include the missing limitations, as taught by Abelard.

In a similar field of endeavor, Abelard discloses a method and device for decoding a digital video stream in a digital video system using dummy header insertion. Further, Abelard discloses upon detection of the sequence error code, the decoder (9) rejects all data received before the error code and all data received in the future, up to the next Picture Header, which reads on the claimed, "wherein after having detected the second code, the detecting section detects the next dummy identifier by scanning the identifiers of the respective packets," as disclosed at column 15, lines 9-13.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Suzuki and Morinaga to

include upon detection of the sequence error code, the decoder (9) rejects all data received before the error code and all data received in the future, up to the next Picture Header, as taught by Abelard, for the purpose of generating a data stream suitable for trick-mode playback.

Regarding **claim 10**, the combination of Suzuki and Morinaga discloses everything claimed as applied above (see claim 1). However, the combination fails to disclose wherein the detecting section detects, as the first code, at least one of a picture header code, a PES header code, a sequence header code, and a group of pictures (GOP) header code, and, as the second code, the same type of code as the first code, respectively. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Abelard.

In a similar field of endeavor, Abelard discloses a method and device for decoding a digital video stream in a digital video system using dummy header insertion. Further, Abelard discloses the TS or PES packets are analyzed by first detecting Sequence headers, PES headers, or Picture headers, each of these headers having a predefined start code, defined by MPEG-2, and can easily be spotted in the incoming TS packet payloads or PES packets, which reads on the claimed, "wherein the detecting section detects, as the first code, at least one of a picture header code, a PES header code, a sequence header code, and a group of pictures (GOP) header code, and, as the second code, the same type of code as the first code, respectively," as disclosed at column 11, lines 6-11.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Suzuki and Morinaga to include the TS or PES packets are analyzed by first detecting Sequence headers, PES headers, or Picture headers, each of these headers having a predefined start code, defined by MPEG-2, and can easily be spotted in the incoming TS packet payloads or PES packets, as taught by Abelard, for the purpose of generating a data stream suitable for trick-mode playback.

Regarding **claim 13**, the limitations of the claim are rejected in view of the explanation set forth above in claim 3.

Regarding **claim 20**, the limitations of the claim are rejected in view of the explanation set forth above in claim 10.

Allowable Subject Matter

Claims 2 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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